

Appln. No. 10/774,940

Attorney Docket No. 10588-032

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1 and 4-30 remain pending.

Allowable Subject Matter

Applicant respectfully acknowledges the examiner's indication that claims 7-8, 10-11, 20, and 23-24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

Claim 22 has been amended to correct the informality noted by the examiner.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-6, 9, 12-19, 21-22, and 25-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,252,661 to Hanna (Hanna) in view of U.S. Patent 5,517,861 to Haas et al. (Haas).

Amended claims 1, 22, and 27 include projecting a sheet of light across the parts width to form a diffuse reflection. Applicants respectfully submit that the examiners combination of Hanna and Haas is improper. "To support the conclusion that the claimed invention is directed to obvious subject matter, either



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the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

The Hanna and Haas reference use entirely different methodologies of optical inspection and, therefore, combining such operations would be inconsistent with the objectives of each system. The Hanna system uses an occlusion method where the imaging sensor receives light which is not occluded by the part and, therefore, makes a determination based on the shadow formed by the part, not a diffuse reflection. In contrast, Haas projects a high frequency field of light onto the part, not a line of light, and identifies changes in shadowing over multiple images to identify a crack in the part. Accordingly, the illumination and imaging methodology are not compatible and would not have been combined by one of ordinary skill in the art as the examiner contends. Therefore, in light of the above arguments, the combination of Hanna and Haas cannot teach or suggest the present invention. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Claims 2 and 3 have been cancelled. Claims 4-6, 9, 12-19, 21, 25-26, and 28-30 depend from claims 1, 22, or 27 and are, therefore, patentable for at least the same reasons given above in support of claim 1, 22, and 27. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.



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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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